

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:05CR128-P-B

TONY CONROD,

DEFENDANT.

ORDER

This matter comes before the court upon Defendant's Motion to Exclude Prior Criminal History [32-1]. Upon due consideration of the motion and the response filed thereto, the court finds as follows, to-wit:

The motion is not well-taken and should be denied. It is undisputed that the defendant was not released from the Mississippi Department of Corrections until January 9, 1998. Therefore, Fed. R. Evid. 609(b)'s 10-year requirement does not require exclusion of the defendant's prior conviction for possession of cocaine. In any event, the Government gave the defendant sufficient notice of its intent to use evidence of the prior conviction required by Rule 609(b). The remainder of the defendant's arguments are without merit.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant's Motion to Exclude Prior Criminal History [32-1] is **DENIED**.

SO ORDERED this the 14th day of June, A.D., 2006.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE